

### REMARKS

This is in response to the Office Action mailed on September 11, 2007.

No claims are presently amended, claim 29 was previously canceled, and no claims are presently added; as a result, claims 1-28 and 30-33 are now pending and subject to examination in this application.

#### §102 Rejection of the Claims

Claims 1-3, 6, 8-9, 15-18, 21-22, 28 and 30-33 were rejected under 35 USC § 102(e) as being anticipated by Rose-Pehrsson et al. (USPN 7,034,701). Specifically, the Office Action contends that the '701 patent discloses the recited step of "finding a nearest cluster of bad actors related to [an] event to identify the event." The Applicant respectfully disagrees and respectfully traverses this rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim*." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP § 2131.

The cited portion of the '701 patent (Col. 6, lines 16-27) appears to relate to the clustering of many sensors. As stated in this section of the '701 patent, the data (from the many sensors) are grouped together by progressively fusing them into subsets, two at a time, until the entire group of patterns is a single set. The Applicant respectfully submits that grouping (clustering) the responses from many sensors into a single set is not the same as first determining if an event has occurred, and then finding a nearest cluster of bad actors related to the event in order to identify the event. Indeed, the Applicant further respectfully submits that not only does

this section of the '701 patent not disclose finding a nearest cluster of bad actors, but it does not disclose finding a nearest cluster for any type of data. Rather, as previously stated, it relates only to finding a single set for many sensors. For at least this reason then, the Applicant respectfully submits that the '701 patent fails to disclose each and every element of the claimed subject matter, and further respectfully requests that the rejection of the claims under 35 U.S.C. § 102(e) be withdrawn.

*Allowable Subject Matter*

Claims 4-5, 7, 10-14, 19-20, and 23-27 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant gratefully acknowledges the indication that claims 4-5, 7, 10-14, 19-20, and 23-27 are allowable.

**RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of

priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2140 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

VALERIE GURALNIK ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 371-2106

Date 12-11-07

By Karen L. Himmel  
Karen L. Himmel  
Reg. No. 58,663

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of December, 2007.

Dawn M. Rowe

Name

Dawn M. Rowe

Signature